

Applicant requests a Special Exception under Section 2.16.050 G (Builder Error, Side Yard Setback) in an R-5 (Residential) zone.

This would allow an existing residential structure which encroaches 0.4 feet (4.8") into the required side yard setback and is located to within 4.6 feet of the east side property line.

The required side yard setback is 5 feet in the R-5 zone district.

BACKGROUND

This request for the builder error is Classic American Homes' first request in the last 12 months and is the only request to the ZBA for the builder error special exception in the past 12 months. The applicant has submitted a letter stating the error was unintentional (see enclosed letter).

CALCULATIONS

Required side yard setback = 5'

Requested east side yard setback = 4.6'

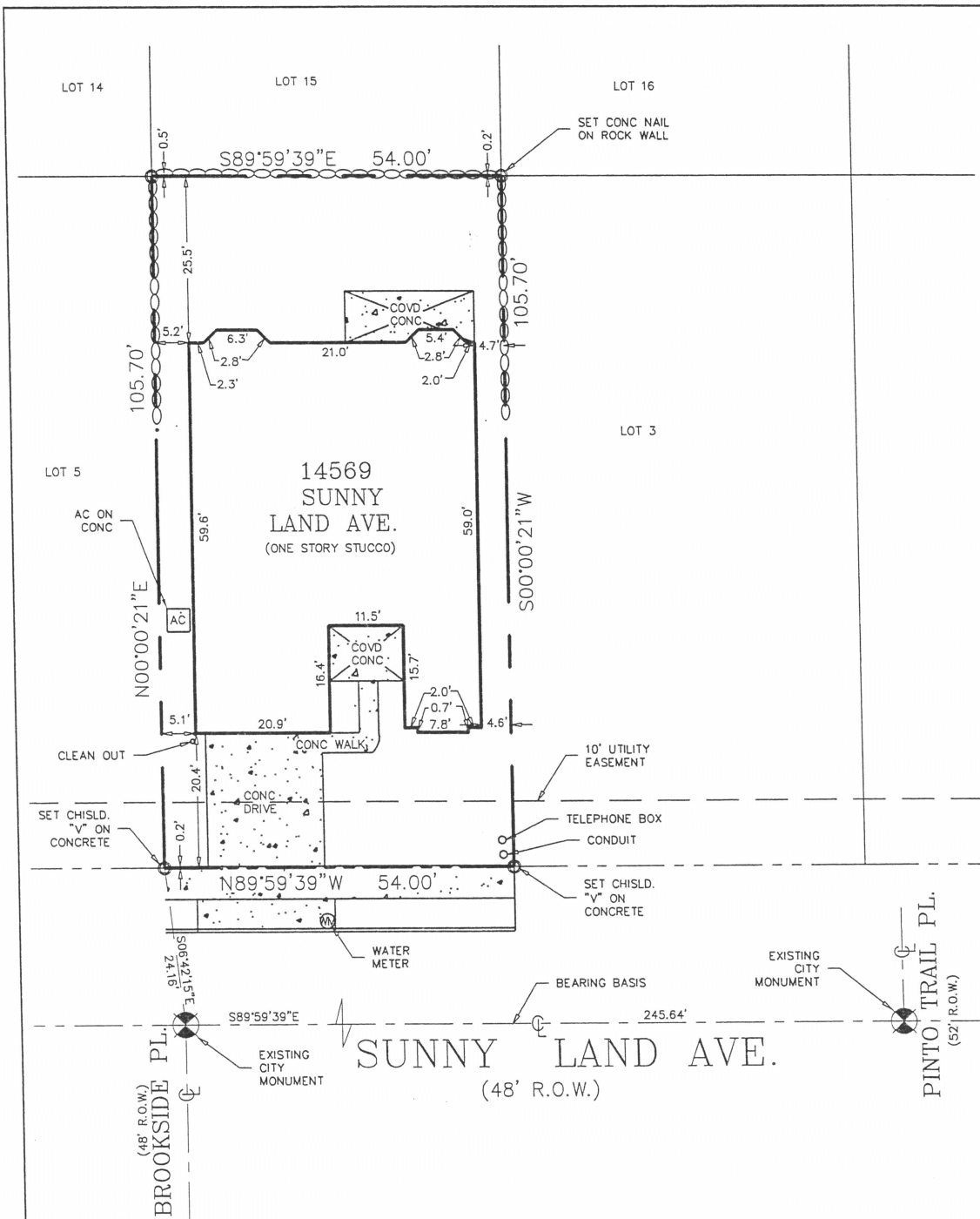
STAFF RECOMMENDATION

Staff recommends approval of the request as it meets the requirements of the Special Exception G, with the condition that the portion of the structure located less than 5 feet to the side property line shall be of fire rated construction.

The Zoning Board of Adjustment is empowered under Section 2.16.050 G to:

"Permit the encroachment of the principal building or structure into the required yard setbacks in all districts, caused by an error in construction; provided, however, that:

1. The permitted encroachment into any front yard setback shall not exceed ten percent of the required setback, or one foot whichever is greater;
2. The permitted encroachment into any side yard or side street yard setback shall not exceed ten percent of the required setback or one foot whichever is greater;
3. The permitted encroachment into any rear yard setback shall not exceed fifteen percent of the required setback or one foot whichever is greater;
4. The owner shall demonstrate through testimony or documentation that the error causing the encroachment was inadvertent and not intentional; and
5. The number of properties requesting encroachment permission under this section which involve the same building, contractor, or owner shall not exceed three in any twelve-month period."



CERTIFICATION
 I HEREBY CERTIFY THAT THE FOREGOING BOUNDARY AND IMPROVEMENT SURVEY
 WAS MADE BY ME OR UNDER MY SUPERVISION AND THAT THERE ARE NO
 ENCROACHMENTS EXCEPT AS SHOWN. ONLY PLATTED EASEMENTS ARE SHOWN.

RON R. CONDE R.P.L.S. #5152

JOB # i914-21	DATE: SEPTEMBER 23, 2014	FIELD: M.R.	OFFICE: C.C.
LOCATED IN ZONE X	PANEL # 480212-0175B	DATED SEPT. 4, 1991	
RECORDED IN FILE NO. 20130055399, REAL PROPERTY RECORDS OF EL PASO COUNTY, TEXAS			
		LOT 4, BLOCK 375 TIERRA DEL ESTE UNIT SIXTY NINE CITY OF EL PASO, EL PASO COUNTY, TEXAS	
		CONDE INC. 6080 SURETY SUITE 100 EL PASO, TEXAS 79905	

SCALE: 1"=20'
 © COPYRIGHT 2014/CONDE INC.
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October 1, 2014

City of El Paso

Land Development Department

Re: 14569 Sunny Land Ave.

This letter is in reference to the property located at 14569 Sunny Land Ave. – Lot 4, Block 375 – Tierra Del Este Unit 69. This house was “set” incorrectly. The setback on the right side of the house is 4.7 ft. at the rear corner and 4.6 ft. at the front corner (see attached). This was caused by a construction error at the time the forms were set.

Unfortunately, the error was not discovered until the time of the improvement survey by Conde Inc. on September 23, 2014. We have since, verified the incorrect setback.

You will find that historically, this is not a common occurrence with Classic American Homes. In the last 25 years, Classic American Homes has built over 8500 (Eighty Five Hundred) homes and we have experienced 5-6 (Five or Six) ZBA requests due to setback errors. We ask that this be taken into consideration in allowing for a resolution to this unfortunate incident. If you have any questions, you may contact me at 915.593.7707. Thank you

Respectfully,

A handwritten signature in blue ink, appearing to read "Jorge Arroyo", with a horizontal line extending to the right.

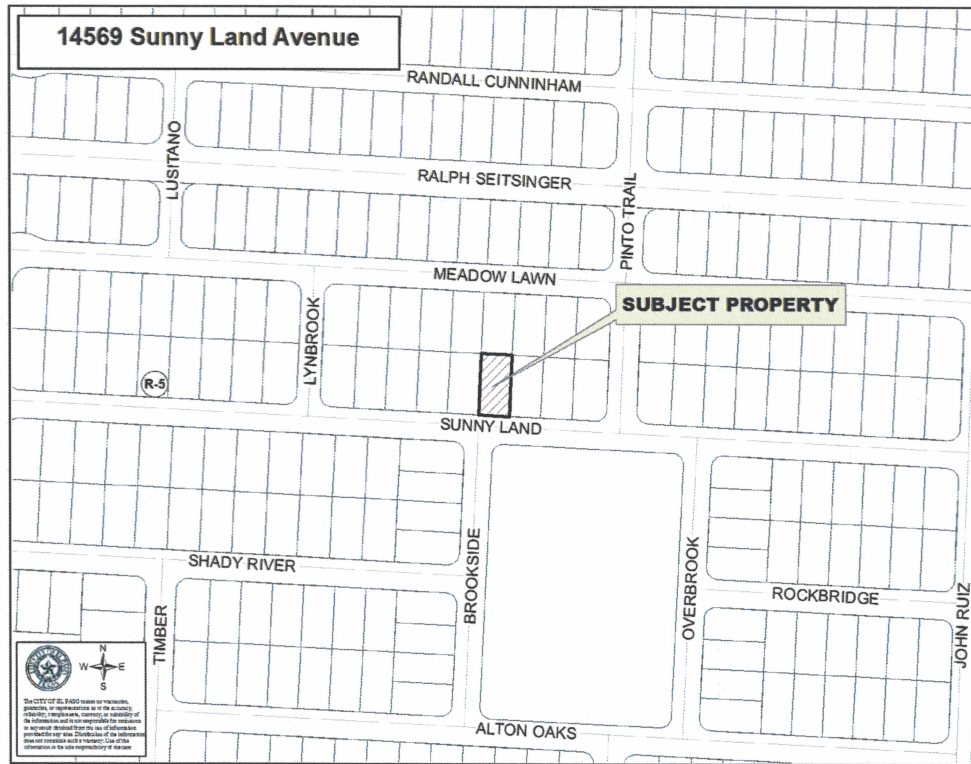
Jorge Arroyo

President

Building The American Dream!

BUILDER ERROR LOG			
For a 12 Month Period			
November 1, 2013 to November 10, 2014			
MEETING DATE	CASE NUMBER	ADDRESS	CONTRACTOR
11/10/2014	PZBA14-00037	14569 Sunny Land Avenue	Classic American Homes

ZONING MAP



NOTIFICATION MAP

